

REMARKS

This application has been reviewed in light of the *Ex parte Quayle* Action dated September 11, 2007. Claims 1-16 are pending in this application. Claims 1, 2, and 15 have been amended to define more clearly what Applicants regard as their invention. Claim 16 has been canceled, without prejudice or disclaimer of subject matter. Claim 17 has been added to provide Applicants with a more complete scope of protection. Claims 1, 2, 6, 15, and 17 are in independent form.

Applicants note with appreciation the allowance of Claims 6-12.

Claims 1-5 and 13-16 were rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. The Office Action states at page 2:

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data.

While Applicants repeat the arguments in support of traversal presented in the Amendment filed on March 28, 2007, and while Applicants do not concede the propriety of the rejection, Applicants nevertheless, in an effort to advance prosecution and facilitate allowance, have amended Claims 1 and 2 to recite that the methods recited therein are performed by a decoding device. It is noted that in a telephone conference between the undersigned attorney and the Examiner on December 11, 2007, the Examiner gave her tentative agreement that if Claims 1 and 2 were amended in the manner set forth herein, the Examiner would withdraw the Section 101 rejection against those claims.

With regard to Claim 15, the Office Action states that the language of Claim 15 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to "a technology art," environment, or machine which would result in a practical application producing a concrete, useful, and tangible result.

While Applicants repeat the arguments in support of traversal presented in the Amendment filed on March 28, 2007, Applicants nevertheless have rewritten Claim 15 in independent form and amended Claim 15 to recite a computer-readable medium storing computer executable code for implementing a decoding method. Accordingly, Claim 15 recites features similar to those recited in Claim 1, and therefore is also believed to recite allowable subject matter.

Claims 3-5, 13, and 14 are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

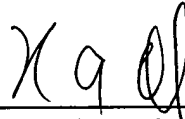
For all of the above reasons, withdrawal of the Section 101 rejection is respectfully requested.

With regard to independent Claim 17, it is noted that Claim 17 recites a computer-readable medium storing computer executable code for implementing a decoding method. Claim 17 recites features similar to those recited in Claim 2, and therefore is also believed to recite allowable subject matter.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. A. DiPerna', written over a horizontal line.

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